

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MICHAEL MILAM,

Plaintiff,

v.

PIERCE COUNTY *et al.*,

Defendants.


Case No. C05-5842 FDB

ORDER ADOPTING  
REPORT AND  
RECOMMENDATION

The Court, having reviewed the Motion to Dismiss, [Dkt. # 31], the Report and Recommendation of Magistrate Judge J. Kelley Arnold, objections to the report and recommendation, if any, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) Mr. Colby Richards motion to be dismissed from this action for failure to state a claim is **GRANTED**.
- (3) Plaintiff will have thirty (30) days from entry of this order to file a Second Amended Complaint that names a person as a defendant and states a cause of action. Plaintiff is reminded that the court will need service copies and a filled out Marshals Service form for the newly named defendant. If the documents are not received or the Second Amended Complaint fails to state claim this action will be dismissed.
- (3) The Clerk is directed to send copies of this Order to Plaintiff, counsel for Defendant, and to the Hon. J. Kelley Arnold .

DATED this 17<sup>th</sup> day of November, 2006

  
FRANKLIN D. BURGESS  
UNITED STATES DISTRICT JUDGE